

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

KATHY NADINE SHAFF,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

3:12-cv-0206-LRH-VPC

ORDER

Before the court is defendant the United States of America's ("United States") motion to dismiss. Doc. #6.¹ Pro se plaintiff Kathy Nadine Shaff ("Shaff") filed an opposition (Doc. #11) to which the United States replied (Doc. #13).

Plaintiff Shaff, a veteran, filed suit against the United States under the Federal Tort Claims Act ("FTCA") alleging that she received negligent medical treatment at the Veteran's Administration Medical Center in Reno, Nevada. *See* Doc. #1. Thereafter, the United States filed the present motion to dismiss arguing that Shaff failed to provide an affidavit from a medical expert supporting her allegations as required by NRS 41A.071. *See* Doc. #6.

In opposition, Shaff contends that she was not required to provide an affidavit because her complaint is a civil rights discrimination complaint and not one for medical negligence. The court

¹ Refers to the court's docket entry number.

1 disagrees. Shaff's present complaint is one for medical negligence and as such, she was required to
2 attach an affidavit. However, the court notes Shaff's intent to raise a discrimination claim against
3 the United States, so the court shall grant her leave to file an amended complaint.

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5 IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #6) is
6 GRANTED. Plaintiff's complaint (Doc. #1) is DISMISSED in its entirety.

7 IT IS FURTHER ORDERED that plaintiff Kathy Shaff shall have thirty (30) days from
8 entry of this order to file an amended complaint.

9 DATED this 17th day of July, 2012.



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12 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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